

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

TERRENCE LYNN GARRETT,

Plaintiff,

v.

Case No. 09-13141

TROOPER SCOTT ADAMS,  
TROOPER TROY SZUKHENT,  
MICHIGAN STATE TROOPER  
DEPARTMENT AND THE STATE OF  
MICHIGAN, DEPUTY TIM LIGHT,  
GENESEE COUNTY SHERIFF  
DEPARTMENT, THE COUNTY OF  
GENESEE, SERGEANT DENNIS CHASE,  
OFFICER AARON QUINN, OFFICER  
TIM BUECHE, OFFICER BRIAN SAVARD,  
GRAND BLANC TOWNSHIP POLICE  
DEPARTMENT, and THE TOWNSHIP  
OF GRAND BLANC,

HON. AVERN COHN

Defendants.

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**ORDER ADOPTING REPORT AND RECOMMENDATION (Doc. 114)**  
**AND**  
**GRANTING THE REMAINING DEFENDANTS' MOTIONS FOR SUMMARY**  
**JUDGMENT**  
**AND**  
**DISMISSING CASE**

I.

This is a pro se prisoner civil rights case under 42 U.S.C. § 1983. Plaintiff claims that the defendants violated his constitutional rights by using excessive force during his arrest and subsequently conspiring to cover-up what they did. The matter has been referred to a magistrate judge for pretrial proceedings. Following dispositive motions

filed by all of the defendants, and a report and recommendation by the magistrate judge, only plaintiff's claims against defendants Tim Bueche, Brian Savard, Tim Light, Scott Adams and Troy Szukhent remained pending additional discovery. See Docs. 99, 106. Plaintiff received the requested discovery, which included a video of the incident. The magistrate judge had an evidentiary hearing and heard oral argument from the parties. The magistrate judge, in a thorough-going analysis, now recommends that the remaining defendants' motions for summary judgment be granted. Doc. 114.

II.

The MJRR accurately sets for the procedural history and facts leading to plaintiff's claims. The Court also recounted much of the procedural history in its order adopting the magistrate judge's report and recommendation with respect to the other defendants. See Doc. 106. There is no need to repeat what has already been set forth.

III.

Neither party has objected to the MJRR and the time for filing objections has passed. The failure to file objections to the report and recommendation waives any further right to appeal. Smith v. Detroit Federation of Teachers Local 231, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the motions. Thomas v. Arn, 474 U.S. 140, 149 (1985). However, the Court has reviewed the MJRR and agrees with the magistrate judge.

IV.

Accordingly, the findings and conclusions of the magistrate judge are ADOPTED as the findings and conclusions of the Court. Defendants' Bueche, Savard, Light Adams, and Szukhent's motions for summary judgment are GRANTED. This case is DISMISSED.

SO ORDERED.

S/Avern Cohn  
AVERN COHN  
UNITED STATES DISTRICT JUDGE

Dated: May 18, 2011

I hereby certify that a copy of the foregoing document was mailed to Terrence Garrett, 219254, Bellamy Creek Correctional Facility, 1727 West Bluewater Highway, Ionia, MI 48846 and the attorneys of record on this date, May 18, 2011, by electronic and/or ordinary mail.

S/Julie Owens  
Case Manager, (313) 234-5160